

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**BELLE FLOWER MISSIONARY
BAPTIST CHURCH**

PLAINTIFF

V.

NO. 4:18-CV-180-DMB-JMV

**STATE AUTO PROPERTY AND
CASUALTY INSURANCE COMPANY**

DEFENDANT

ORDER REMANDING CASE

On January 2, 2019, United States Magistrate Judge Jane M. Virden issued a Report and Recommendation recommending “that this case be remanded to the Circuit Court of Grenada County, Mississippi for lack of subject-matter jurisdiction.” Doc. #19 at 1. No objections to the Report and Recommendation have been filed.

Under 28 U.S.C. § 636(b)(1), “[a] judge of the court shall make a de novo determination of those portions of the report ... to which objection is made.” “[W]here there is no objection, the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F.Supp.3d 944, 948 (S.D. Tex. 2017) (citing *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989)).

The Court has reviewed the Report and Recommendation and concluded that it is neither clearly erroneous nor contrary to law.¹ Accordingly, the Report and Recommendation [19] is

¹ State Auto Property and Casualty Insurance Company purportedly removed this case on the basis of diversity jurisdiction, representing in its notice of removal that Belle Flower Missionary Baptist Church “is an unincorporated church located in Grenada County, Mississippi” and “State Auto is a non-resident insurance company, domiciled in Iowa and with its principal place of business in Ohio.” Doc. #1 at 4. The Report and Recommendation concluded that although “[t]he citizenship of an unincorporated association ... is deemed to be the same as that of its members ... neither the Complaint ... nor the Notice [of removal] identifies the citizenship of the members of the Church.” Doc. #19 at 2 (citation omitted). This Court agrees that “it is apparent State Auto removed this case on the basis of complete diversity of citizenship without having first determined whether complete diversity exists.” *Id.* at 3.

ADOPTED as the opinion of this Court and the entirety of this case is **REMANDED** to the Circuit Court of Grenada County, Mississippi.

SO ORDERED, this 26th day of February, 2019.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE